

Dr. 7, 6-16-54

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SUBJECT: Recovery of Erroneous Overpayments of Salary

1. The General Counsel has recently issued an opinion as to the applicability to this Agency of Comptroller General's Decision B-118963 dated 12 April 1954. The case in point involved an employee who had been placed at the wrong step of the grade through administrative error in effecting a promotion. The employing agency was willing to forego recovery of the overpayment because of the hardship it would impose on the employee through no fault of his own. The Comptroller General held that neither his Office nor the employing agency had the authority to grant such a waiver.

2. The General Counsel points to the proposition that each agency of the Government has a duty to recover money wrongfully or erroneously paid from the public treasury and, in the course thereof, is not bound by erroneous payments made by its officers, with or without jurisdiction, or under mistake of fact or of law. In case of an erroneous computation, no alternative is seen but to effect a recovery of the overpayment.

3. Each member of the Office of Personnel who participates in the determination of salary and wage rates should be constantly aware of the importance of accuracy. Every effort must be made to insure that an employee of the Agency is not penalized by administrative errors in this process.

DAD/P

STATINTL

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